

# STATE OF NEW YORK

3126

2021-2022 Regular Sessions

## IN SENATE

January 27, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law and the energy law, in relation to establishing energy efficiency measures by the public service commission and the New York state energy research and development authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public service law is amended by adding a new section  
2 66-q to read as follows:

3 § 66-q. Energy efficiency program. 1. As used in this section, the  
4 following terms shall have the following meanings:

5 (a) "energy efficiency" means the reduction in overall energy use,  
6 expressed as a percentage against a prior baseline of historical use, or  
7 in British thermal units (BTUs). Energy efficiency shall include envi-  
8 ronmentally beneficial electrification;

9 (b) "energy efficiency measure" means a particular good or practice  
10 that provides an energy efficiency benefit;

11 (c) "environmentally beneficial electrification" means a replacement  
12 of direct fossil fuel use with electricity such that the replacement  
13 reduces overall emissions and energy costs;

14 (d) "potential environmental justice areas of concern" means areas of  
15 United States census block groups of two hundred fifty to five hundred  
16 households each that, in the most recently released census, had popu-  
17 lations that met or exceeded at least one of the following statistical  
18 thresholds:

19 (i) at least 51.1 percent of the population in an urban area reported  
20 themselves to be members of minority groups; or

21 (ii) at least 33.8 percent of the population in a rural area reported  
22 themselves to be members of minority groups; or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (iii) at least 23.59 percent of the population in an urban or rural  
2 area had household incomes below the federal poverty level;

3 (e) "residential building" means a building having primary use as a  
4 domicile;

5 (f) "rural area" means all territory, population, and housing units  
6 that are not classified as an urban area, or as subsequently defined by  
7 the United States census bureau;

8 (g) "small commercial building" means a building operated by a busi-  
9 ness with one hundred employees or fewer; provided they (i) own their  
10 building or (ii) lease or manage all or part of the building and have a  
11 release from the building owner to apply for financing through the  
12 program; and

13 (h) "urban area" means all territory, population, and housing units  
14 located in urbanized areas, which is a continuously built-up area with a  
15 population of fifty thousand or more, and in places of two thousand five  
16 hundred or more inhabitants outside of an urbanized area, or as subse-  
17 quently defined by the United States census bureau.

18 2. In order to stimulate the growth and adoption of a more efficient  
19 use of energy in potential environmental justice areas of concern and to  
20 promote the hiring and training of employees from potential environ-  
21 mental justice areas of concern, the commission shall develop, oversee  
22 and issue guidelines to be used as part of any energy efficiency  
23 proceeding or utility program, including without limitation orders  
24 issued in commission case number 18-m-0084, which shall include the  
25 following elements:

26 (a) any job training funding administered by utilities for energy  
27 efficiency implementation shall serve trainees living in areas desig-  
28 ated as potential environmental justice areas of concern, proportional  
29 to these areas' share of the state housing and small commercial building  
30 stock;

31 (b) employees hired for implementation of utility energy efficiency  
32 programs shall be from areas designated as potential environmental  
33 justice areas of concern, proportional to these areas' share of the  
34 state housing and small commercial building stock, or from other areas  
35 designated as potential environmental justice areas of concern within  
36 seventy-five miles of target work sites; and

37 (c) require any residential and small business energy efficiency  
38 program funding used directly for energy efficiency measures adminis-  
39 tered by utilities shall be allocated to areas designated as potential  
40 environmental justice areas of concern, proportional to these areas'  
41 share of the state housing and small commercial building stock.

42 § 2. The energy law is amended by adding a new section 5-123 to read  
43 as follows:

44 § 5-123. New York state energy research and development authority  
45 energy efficiency requirements. 1. As used in this section, the follow-  
46 ing terms shall have the following meanings:

47 a. "energy efficiency" means the reduction in overall energy use,  
48 expressed as a percentage against a prior baseline of historical use, or  
49 in British Thermal Units (BTUs). Energy efficiency shall include envi-  
50 ronmentally beneficial electrification;

51 b. "environmentally beneficial electrification" means a replacement of  
52 direct fossil fuel use with electricity such that the replacement  
53 reduces overall emissions and energy costs;

54 c. "authority" means the New York state energy research and develop-  
55 ment authority;

1 d. "potential environmental justice areas of concern" means areas of  
2 United States census block groups of two hundred fifty to five hundred  
3 households each that, in the most recently released census, had popu-  
4 lations that met or exceeded at least one of the following statistical  
5 thresholds:

6 (i) at least 51.1 percent of the population in an urban area reported  
7 themselves to be members of minority groups; or

8 (ii) at least 33.8 percent of the population in a rural area reported  
9 themselves to be members of minority groups; or

10 (iii) at least 23.59 percent of the population in an urban or rural  
11 area had household incomes below the federal poverty level;

12 e. "rural area" means all territory, population, and housing units  
13 that are not classified as an urban area, or as subsequently defined by  
14 the United States census bureau;

15 f. "small commercial building" means a building operated by a business  
16 with one hundred employees or fewer; provided they (i) own their build-  
17 ing or (ii) lease or manage all or part of the building and have a  
18 release from the building owner to apply for financing through the  
19 office; and

20 g. "urban area" means all territory, population, and housing units  
21 located in urbanized areas, which is a continuously built-up area with a  
22 population of fifty thousand or more, and in places of two thousand five  
23 hundred or more inhabitants outside of an urbanized area, or as subse-  
24 quently defined by the United States census bureau.

25 2. In order to stimulate the growth and adoption of a more efficient  
26 use of energy in potential environmental justice areas of concern and to  
27 promote the hiring and training of employees by utilities and other  
28 entities from potential environmental justice areas of concern, the  
29 authority:

30 a. shall require that any program funding for the installation of  
31 end-use energy efficiency measures administered by the authority with  
32 the goal of achieving the one hundred eighty five trillion British ther-  
33 mal units of end use energy below the two thousand twenty-five energy  
34 use forecast goal shall be allocated to areas designated as potential  
35 environmental justice areas of concern, proportional to these areas'  
36 share of the state housing and small commercial building stock;

37 b. may allocate funds to non-energy related interventions in conjunc-  
38 tion with energy interventions, including but not limited to mold, lead,  
39 and asbestos remediation pursuant to the recommendations of an inte-  
40 grated physical needs assessment performed by the division of housing  
41 and community renewal or another qualified agency;

42 c. shall require any job training program funding administered by the  
43 authority for energy efficiency implementation serve trainees living in  
44 areas designated as potential environmental justice areas of concern,  
45 proportional to these areas' share of the state housing and small  
46 commercial building stock; and

47 d. shall require employees hired for implementation of authority  
48 programs for efficiency implementation are from areas designated as  
49 potential environmental justice areas of concern, proportional to these  
50 areas' share of the state housing and small commercial building stock.

51 3. The authority shall gather and publish on its website data on non-  
52 energy benefits (NEBs) of home and building-scale energy efficiency  
53 programming as evaluated in benefit-costs analysis by the authority.

54 4. The public service commission shall have the authority to adjudi-  
55 cate complaints and conduct investigations for violation of this section  
56 in the manner provided by the provisions of this article and shall have

1 the authority to enforce the provisions of this section in accordance  
2 with section twenty-six of the public service law.

3 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
4 sion, section or part of this act shall be adjudged by any court of  
5 competent jurisdiction to be invalid, such judgment shall not affect,  
6 impair, or invalidate the remainder thereof, but shall be confined in  
7 its operation to the clause, sentence, paragraph, subdivision, section  
8 or part thereof directly involved in the controversy in which such judg-  
9 ment shall have been rendered. It is hereby declared to be the intent of  
10 the legislature that this act would have been enacted even if such  
11 invalid provisions had not been included herein.

12 § 4. This act shall take effect on the ninetieth day after it shall  
13 have become a law. Effective immediately, the addition, amendment and/or  
14 repeal of any rule or regulation necessary for the implementation of  
15 this act on its effective date are authorized to be made and completed  
16 on or before such effective date.